

ENTERED

MAY 3 - 2005

U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG

GLORIA HANEY,

Plaintiff,

v.

CIVIL ACTION NO. 1:04CV185
(BROADWATER)

JO ANNE B. BARNHART,
Commissioner, Social Security
Administration,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
REMANDING CASE TO COMMISSIONER**

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge John S. Kaull, dated April 15, 2005. Magistrate Judge Kaull's Report and Recommendation advised that should either party wish to file objections, those objections were to be filed within 10 days of receipt of the Report and Recommendation. To date, neither party has filed objections to the Report.

The Court, after reviewing the above, is of the opinion that the Magistrate Judge's Report and Recommendation (**Docket # 13**) should be and is hereby **ORDERED** adopted.

The Court, therefore, **ORDERS** that the defendant's motion for summary judgment (**Docket # 12**) be **DENIED** and the Plaintiff's Motion for Summary Judgment (**Docket # 11**) be **GRANTED** and this action be **REMANDED** to the Commissioner for further proceedings consistent and in accord with the reasoning as set forth in the Magistrate Judge's Report and Recommendation. It is further **ORDERED** that this action be **STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the petitioner and all counsel of record herein.

DATED this 3^d day of May 2005.


W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE